

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking on the  
Commission's Own Motion into Competition for  
Local Exchange Service.

Rulemaking 95-04-043  
(Filed April 26, 1995)

Order Instituting Investigation on the  
Commission's Own Motion into Competition for  
Local Exchange Service.

Investigation 95-04-044  
(Filed April 26, 1995)  
**(FCC Triennial Review  
Nine-Month Phase)**

**ADMINISTRATIVE LAW JUDGE'S RULING  
AMENDING THE ADOPTED PROTECTIVE ORDER  
REGARDING TREATMENT OF CONFIDENTIAL DATA**

Previously in this proceeding, a Protective Order was adopted governing the treatment of confidential data provided for use in this proceeding. The Protective Order, however, did not address the use of confidential data produced in this proceeding for filings before the Federal Communications Commission (FCC).

By electronic mail transmission to the service list dated September 20, 2004, however, counsel for MCI WorldCom Network Services, Inc. (MCI) sought an order from the administrative law judge (ALJ) allowing parties to the California Triennial Review Order (TRO) proceeding to use confidential information subject to protection of the California TRO Protective Order in their comments to be filed on the FCC TRO Remand Notice of Proposed Rulemaking (NPRM). MCI sought such permission under the condition that such

information, to the extent used by any party in its FCC TRO Remand comments, would be treated as confidential under the terms of the FCC's TRO Remand Protective Order, as attached to that email.

An ALJ ruling, issued September 22, 2004, scheduled a conference call to be convened by telephone at 10:00 a.m. on September 24, 2004, for parties to be heard concerning the appropriate treatment of confidential data that parties seek to provide to the FCC pursuant to its NPRM, as discussed in MCI's above-referenced email. The teleconference call was convened, and participating parties subsequently informed the ALJ by email of mutually agreed-upon language which would amend the California TRO Protective Order to address parties' concern.

Accordingly, in view of the consensus reached by participants, with no indication of any party objecting to the amendment, the California TRO Protective Order shall be amended accordingly. This ruling serves notice that the Protective Order previously adopted in this proceeding is hereby amended, as mutually proposed by parties. The amendment applies to a portion of a paragraph on page 9 of the Protective Order, and reads as follows with the newly added language shown in underlining:

All persons who may be entitled to receive, or who are afforded access to, any Confidential Information by reason of this Protective Order shall neither use nor disclose the Confidential Information for any purpose other than preparation for and conduct of this FCC Triennial Review Proceeding and/or in the Federal Communications Commission's Order and Notice of Proposed Rulemaking released July 21, 2004 in WC Docket No. 04-313, CC Docket No. 01-338, In the Matter of Unbundled Access to Network Element, Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers.

**IT IS RULED** that the previously adopted California TRO Protective Order is hereby amended to incorporate revised language as set forth in the text on page 9 thereof, identified above, with revisions indicated by underlining, consistent with the proposal of parties.

Dated September 27, 2004, at San Francisco, California.

/s Thomas R. Pulsifer  
Thomas R. Pulsifer  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Amending the Adopted Protective Order Regarding Treatment of Confidential Data on all parties of record in this proceeding or their attorneys of record.

Dated September 27, 2004, at San Francisco, California.

/s/ Antonina V. Swansen  
Antonina V. Swansen

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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